

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1352 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DOLATSINH SHIVAJI CHAUHAN

Versus

FALGUNIBEN WD/O SHAILENDRASINHDOLATSINH CHAUHAN

Appearance:

MR BG JANI for Petitioners

MR PV HATHI for Respondent No. 1

Mr. ST Mehta, Addl. PP for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 20/02/97

ORAL JUDGEMENT

Rule returnable today. Learned advocate Mr. P.V.Hathi appears and waives service of rule on behalf of respondent No. 1. Learned Addl. PP Mr. ST Mehta appears and waives service of rule on behalf of respondent State. On the facts and in the circumstances of the case, following directions are issued :

- (1) Three Muddamal articles i.e. two pieces of jewelery namely "Gold Panja" and "Gold Mangalsutra" and the cash amount of Rs.1212/- be handed over to the petitioner No. 1 herein on condition that he shall deposit a sum of Rs.35,000/- in Fixed Deposit in the joint

name of Petitioner No. 1 and Respondent No. 1 in any of the Nationalized Banks in any Branch at Ahmedabad for a period of two years. The interest accrued on the aforesaid deposit shall be accumulated till the date of maturity of the deposit.

- (2) Aforesaid amount of deposit and the interest earned thereon shall be liable to be disbursed in accordance with the orders of the trial Court.
- (3) Neither the petitioners nor the respondent No. 1 shall borrow any loan against the said Deposit.
- (4) The Gold Articles of Muddamal shall be retained by the petitioners in the same condition and shall not be disposed of by them in any circumstances.
- (5) The Gold articles of Muddamal shall be produced before the trial Court as and when required by said Court.

The impugned order of the learned Additional Sessions Judge, Bhavnagar made on Criminal Revision Application No. 128 of 1995 on 6th March, 1996 is modified to the aforesaid extent.

Petition is allowed to the aforesaid extent.
Rule is made absolute accordingly.

*Vyas